

By: Villalba, Alvarado, Morrison,
Thompson of Harris, et al.

H.B. No. 525

A BILL TO BE ENTITLED

1 AN ACT
2 relating to databases that contain information regarding certain
3 violent offenses or filed protective orders.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 42.015(a), Code of Criminal Procedure,
6 is amended to read as follows:

7 (a) In the trial of an offense under Title 5 [~~Section 20.02,~~
8 ~~20.03, or 20.04~~], Penal Code, or an attempt, conspiracy, or
9 solicitation to commit one of those offenses, the judge shall make
10 an affirmative finding of fact and enter the affirmative finding in
11 the judgment in the case if the judge determines that the victim or
12 intended victim was younger than 17 years of age at the time of the
13 offense.

14 SECTION 2. Chapter 72, Government Code, is amended by
15 adding Subchapter G to read as follows:

16 SUBCHAPTER G. PROTECTIVE ORDER DATABASE

17 Sec. 72.201. If funds are provided by grants offered by the
18 Criminal Justice Division in the Office of the Governor, the Office
19 of Court Administration, in cooperation with the Department of
20 Public Safety and the courts of this state, shall work to establish
21 a protective order database that contains information for a
22 protective order filed under Chapter 82, Family Code, or Article
23 17.292, Code of Criminal Procedure, and a protective order issued
24 under Chapter 83 or 85, Family Code, or Article 17.292, Code of

1 Criminal Procedure.

2 Sec. 72.202. (a) The database shall include both a portal
3 for governmental entities and a portal for the public.

4 (b) A publicly accessible database must consist of:

5 (1) the court that issued the protective order;

6 (2) the case number;

7 (3) the full name, county of residence, birth year,
8 and race or ethnicity of the person who is the subject of the
9 protective order;

10 (4) the dates the protective order was issued and
11 served;

12 (5) the date the protective order was vacated, if
13 applicable; and

14 (6) the date the protective order expires.

15 (c) Information for governmental entities shall include all
16 information in the application and may only be viewed by officers of
17 the court and their staff, a district attorney, criminal district
18 attorney, county attorney, the Title IV-D agency, an entity that
19 receives federal domestic violence funds, or a licensed peace
20 officer, all during the course of normal business.

21 SECTION 3. Section 411.088(b), Government Code, is amended
22 to read as follows:

23 (b) The department may not charge for processing an
24 electronic inquiry, made through the use of the Internet, for
25 information described as public information under:

26 (1) Section 411.1355; or

27 (2) Article 62.005, Code of Criminal Procedure [~~made~~

1 ~~through the use of the Internet].~~

2 SECTION 4. Section 411.135(a), Government Code, is amended
3 to read as follows:

4 (a) Any person is entitled to obtain from the department:

5 (1) any information described as public information
6 under Chapter 62, Code of Criminal Procedure, including, to the
7 extent available, a recent photograph of each person subject to
8 registration under that chapter; ~~and~~

9 (2) criminal history record information maintained by
10 the department that relates to the conviction of or a grant of
11 deferred adjudication to a person for any criminal offense,
12 including arrest information that relates to the conviction or
13 grant of deferred adjudication; and

14 (3) any information described as public information
15 under Section 411.1355.

16 SECTION 5. Subchapter F, Chapter 411, Government Code, is
17 amended by adding Section 411.1355 to read as follows:

18 Sec. 411.1355. CENTRAL DATABASE OF OFFENDERS WHO HAVE
19 COMMITTED CERTAIN VIOLENT OFFENSES. (a) The department shall
20 maintain a computerized central database containing information
21 regarding persons who:

22 (1) on three or more occasions have been convicted of:

23 (A) an offense for which an affirmative finding
24 was made under Article 42.013 or 42.015, Code of Criminal
25 Procedure;

26 (B) an offense under Section 21.16, Penal Code,
27 as added by Chapter 852 (S.B. 1135), Acts of the 84th Legislature,

1 Regular Session, 2015; or

2 (C) any combination of offenses described by
3 Paragraph (A) or (B); and

4 (2) were 17 years of age or older on the date at least
5 three of the offenses described by Subdivision (1) were committed.

6 (b) The information contained in the database is public
7 information, with the exception of any information:

8 (1) regarding the person's social security number,
9 driver's license number, or telephone number; or

10 (2) that would identify the victim of the offense.

11 (c) The database maintained by the department under this
12 section must contain, to the extent the information is available to
13 the department:

14 (1) the person's full name, each alias used by the
15 person, and the person's date of birth;

16 (2) a physical description and recent photograph of
17 the person;

18 (3) a list of offenses described by Subsection (a) for
19 which the person was convicted, the date of conviction for each
20 offense, and the punishment prescribed for each offense; and

21 (4) an indication as to whether the person was
22 discharged, placed on community supervision, or released on parole
23 or to mandatory supervision following the conviction for each
24 offense.

25 (d) The department shall permit a person whose name is
26 included in the database established under this section to petition
27 the department for removal of the person's name from the database,

1 and the department shall remove the person's name from the database
2 in response to the petition if:

3 (1) an order of expunction is issued under Chapter 55,
4 Code of Criminal Procedure, with respect to one of the offenses
5 described by Subsection (a), unless the person has three or more
6 other convictions for an offense described by that subsection; or

7 (2) during the seven-year period preceding the date of
8 the petition, the person is not convicted of an offense described by
9 Subsection (a).

10 (e) On the website through which a person may search the
11 database described by this section, the department shall include
12 information regarding:

13 (1) the manner in which a person may petition the
14 department for removal of the person's name from the database;

15 (2) the circumstances under which the department will
16 grant the petition; and

17 (3) contact information for family violence
18 organizations.

19 (f) The department shall consult with a representative of a
20 statewide advocacy organization for issues related to family
21 violence regarding implementation of the database and the
22 information required to be included on the database website under
23 Subsection (e)(3).

24 SECTION 6. Not later than September 1, 2018, the Office of
25 Court Administration shall work to establish the database required
26 by Subchapter G, Chapter 72, Government Code, as added by this Act.

27 SECTION 7. The central database required by Section

1 411.1355, Government Code, as added by this Act, must be designed
2 and implemented not later than January 1, 2018, and may only include
3 information concerning persons convicted of at least one offense
4 described by Subsection (a) of that section committed on or after
5 the effective date of this Act. For purposes of this section, an
6 offense was committed on or after the effective date of this Act if
7 each element of the offense occurred on or after that date.

8 SECTION 8. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2017.